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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Bähren et al.

GROUP: 2152

SERIAL NO: 09/892,784

EXAMINER: Dohm Chankong

FILING DATE: June 27, 2001

FOR: DATA TELEGRAM FOR TRANSMITTING DATA FORMATTED IN
ACCORDANCE WITH AN EXTRANEEOUS STANDARD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF

This Reply Brief is in response to the Examiner's Answer dated July 1, 2008. This Reply Brief is being submitted to address a new contention in the Examiner's Answer.

Entry of this Reply Brief is respectfully requested.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date below, with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patrick J. O'Shea
Patrick J. O'Shea
9/2/2008
Date

In reply to arguments in the Appeal Brief, the Examiner contends with respect to the terms “host network” and “host network standard” that “[a]pplicant’s specification neither explicitly defines nor describes these terms.” (Examiner’s Answer, pg. 14). It is respectfully submitted that the specification does indeed describe the terms “host network” and “host network standard”. For example, the specification states “[t]he data telegram is formatted in accordance with the standard implemented in the network, referred to herein as the host network standard.” (emphasis added, 1st ¶, Detailed Description of the Invention). In addition, the Summary of the Invention section of the application states:

“[t]he multimedia devices transmit and receive data telegrams formatted in accordance with a MOST standard. The data telegram includes a data section containing data formatted in accordance with an extraneous standard, and a header section that includes five bytes and includes a predetermined region that specifies that the data section is formatted according to the extraneous standard. The extraneous standard may include the Transmission Control Protocol standard, the Internet Protocol standard, or the Internet Packet Exchange Protocol standard.” (emphasis added, 3rd ¶, Summary of the Invention)

From these statement in the application it is clear that a host network standard is the MOST standard. This is further emphasized by the problem statement set forth in Background of the Invention section, which states:

“[u]nfortunately, due to the different standards and protocols for data telegrams implemented in networks such as the vehicle-hosted MOST multimedia system, data cannot be transmitted by means of data telegrams which are formatted according to the transmission control protocol (TCP) or according to the Internet protocol (IP), which are prescribed for the Internet.” (3rd paragraph, Background of the Invention).

The specification makes the point yet again that a host network standard is the MOST standard, and that extraneous standard may include TCP and IP, by stating:

“[a]s a result, the present invention makes it possible, for example, in a MOST multimedia system installed in a motor vehicle, to use not only MOST telegrams but also data telegrams formatted in accordance with an extraneous standard such as, for example, the Internet protocols TCP and IP. Advantageously, this enables the devices of a MOST network to communicate with the Internet without requiring great technical complexity.” (2nd ¶, Detailed Description of the Invention).

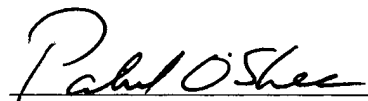
Thus from these unambiguous statements, it is clear that the Examiner’s contention (see Examiner’s Answer, pg. 14) that the terms “host network” and “host network standard” are not defined in the specification is incorrect, and in fact contradictory to the language of the application itself. Since the Examiner incorrectly states these claim terms are not defined in the specification, and as a result he says he is giving these claim terms their broadest reasonable interpretation consistent with the specification (see Examiner’s Answer, pg. 14), it is respectfully submitted that this mistake by the Examiner is leading him to construe the claims improperly given that he failed to even realize that the terms “host network” and “host network standard” are defined in the specification. The claim as a whole must be properly considered when assessing patentability.

In summary, the contentions in the Examiner’s Answer that the terms “host network” and “host network standard” are not defined in the specification is in incorrect, which is leading the Examiner to improperly construe the claim when assessing patentability.

For all the foregoing reasons, we submit that the rejection of claim 11, 14-21 and 24-30 is erroneous and reversal thereof is respectfully requested.

If there are any fees due in connection with the filing of this reply brief, please charge them to our Deposit Account 50-3381. If a fee is required for any extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should be charged to the above Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick J. O'Shea", is written over a horizontal line.

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